THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26802 OF 2005

Dt.15.12.2005

Between:

Saidatta Waddera Labour Contract Co-op.

Society Ltd., rep. by its President

P.Venkaiah … Petitioner

And

The Superintending Engineer, Civil,

A.P.Power Generation Corporation Ltd.,

O&M, KTPS, Paloncha. … Respondent

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent.

The petitioner submits that it is a registered contractor as per G.O.Ms.No.521 dated 10.12.1981 and most of its members belong to Waddera Caste, Scheduled Caste and Scheduled Tribe. The respondent issued a tender notice dated 22.10.2005 calling for sealed tenders from qualified experienced contractors. The eligibility for issuing tender schedule is Class-III contractors as per G.O.Ms. No.521 dated 10.12.1984, the bidder should have executed RCC foundations inclusive of reinforcement steel, PCC (as per specification) of not less than Rs.5.5 lakhs (exclusive of cost of cement and steel) in any one year during the last five financial years i.e., from 2000-2001 to 2004-2005 and shall have executed RCC for foundations, reinforcement steel and PCC works independently and satisfactorily of at least 160 Cum., 7 MT and 30 Cum., respectively in

a year during the last five financial years. It is stated that as per the said tender schedule the last date for receipt of applications is 16.11.2005 and the period of issue of tender schedules is from 28.11.2005 to 30.11.2005 and the last date for receipt of applications is 16.11.2005.

The learned counsel for the petitioner submits that the said tenders have been postponed from time to time by changing various dates and the last date will be in the 3rd week of December.

Even assuming that the submission of the petitioner is correct, it is not known why the tender schedules have not given to the petitioner. Admittedly, the petitioner has not taken any steps for obtaining the tender schedules. Therefore, in the absence of any application by the petitioner, it cannot be said that the action of the respondent in not receiving the tender is illegal and arbitrary. I do not see any merit in this writ petition and the same is, accordingly, dismissed. No costs.

After hearing the learned counsel for the petitioner at length the writ petition has been dismissed. Thereafter, the learned counsel for the petitioner has started arguing that it is the fundamental right of the petitioner to get the tender schedule and this Court could not dismiss the writ petition at the admission stage. It is stated that the respondent has not received the application for supply of tender and therefore the action of the respondent is illegal and arbitrary.

I am unable to accept the said contention of the learned counsel for the petitioner. Admittedly, no application has been filed by the petitioner and no steps have been taken for supply of tender schedules. Without approaching the respondent and without filing any application, the petitioner straight away filed this writ petition making certain allegations and to issue writ of mandamus declaring the action of the respondent in not issuing tender schedules and not accepting the same on par with other contractors and rejecting to issue tender schedules without stating any reasons and not following G.O.Ms.No.94 dated 1.7.2003 and amended in G.O.Ms.No.142 dated 20.12.2004 as illegal and arbitrary. Unless there is a request or

demand, no writ of mandamus can be issued.

The writ petition is accordingly dismissed.

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(V.ESWARAIAH, J.)

15.12.2005

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